

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

09/705579
JC925 U.S. PRO
11/02/00

In re Application of Brian M. Fendly Serial No.: not yet assigned Filed: November 2, 2000 For: ANTI-ErbB2 ANTIBODIES	Group Art Unit: not yet assigned Examiner: not yet assigned
CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231. Express Mail Label No. EL 599 584 272 US	
November 2, 2000  Ann Savelli	

PETITION AND STATEMENT TO CORRECT INVENTORSHIP UNDER 37 C.F.R. §1.48(b)

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

This petition to correct inventorship is being made pursuant to 37 CFR §1.48(b).

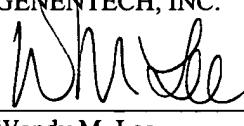
Deletion of the following originally named inventors: Gail Dianne Phillips, Richard H. Scheuermann and Jonathan W. Uhr, M.D. is hereby requested. The above named inventors' invention is no longer being claimed in the application as amended.

Upon acceptance of this Petition to correct inventorship, the correct inventor of the amended application is Brian M. Fendly.

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$130.00 to cover the fees for this Petition required as set forth in 37 CFR 1.17(i), and to charge the deposit account for any further fees in regard to this patent application. A duplicate copy of this Petition is enclosed for this purpose.

Respectfully submitted,

GENENTECH, INC.

By: 

Wendy M. Lee
Reg. No. 40,378

Date: 11-2-00

1 DNA Way
So. San Francisco, CA 94080-4990
Phone: (650) 225-1994
Fax: (650) 952-9881

11/02/00
JC957 U.S. PTO

Please type a plus sign (+) inside this box

11-06-00
A
Attorney Docket P1053R1D1
PATENT

09/705579
JC925 U.S. PTO
11/02/00

CERTIFICATION UNDER 37 CFR 1.10

EL 599 584 272 US: Express Mail Number

November 2, 2000: Date of Deposit

I hereby certify that this Non-provisional Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.


Ann Savelli

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION
Assistant Commissioner of Patents
Washington, D.C. 20231

NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

Brian M. Fendly

Title:

ANTI-ErbB2 ANTIBODIES

1. Type of Application

This application is for an original, non-provisional application.

This is a non-provisional application claiming priority to provisional application no. __, filed ___, the entire disclosure of which is hereby incorporated by reference.

This is a continuation-in-part continuation divisional application claiming priority to application Serial Number 08/948,192, filed October 9, 1997, the entire disclosure of which is hereby incorporated by reference.

2. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b)

(Non-provisional)

61 pages of specification
4 pages of claims
1 page of abstract
18 sheet(s) of drawings
[x] formal informal

3. Declaration or Oath

(for new and CIP applications; also for Cont./Div. where inventor(s) are being added)

An executed declaration of the inventor(s) is enclosed will follow.

(for Cont./Div. where inventorship is the same or inventor(s) being deleted)

A copy of the executed declaration/oath filed in the prior application is enclosed (37 CFR 1.63(d)).

(for Cont./Div. where inventor(s) being deleted)

A signed Petition and Statement is attached deleting inventors named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).

4. Assignment

(for new and CIP applications)

An Assignment of the invention to GENENTECH, INC. is enclosed with attached Recordation Form Cover Sheet will follow.

(for cont./div.)

The prior application is assigned of record to Genentech, Inc.

5. Amendments *(for continuation and divisional applications)*

Cancel in this application original claims of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

Relate Back -- 35 U.S.C. 120 or 35 U.S.C. 119

Amend the specification by inserting before the first line the sentence:

--This is a

non-provisional application
 continuation
 divisional
 continuation-in-part

of co-pending application(s)

Serial No. filed on , which application(s) is(are) incorporated herein by reference and to which application(s) priority is claimed under 35 USC §120. --

International Application filed on which designated the U.S., which application(s) is(are)

incorporated herein by reference and to which application(s) priority is claimed under 35 USC §120.--

_____ provisional application No. _____ filed _____, the entire disclosure of which is hereby incorporated by reference and to which application(s) priority is claimed under 35 USC §119.--.

6. Fee Calculation (37 CFR 1.16)

The fee has been calculated as follows:

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$710.00
Total Claims	27	- 20 =	7	X \$18.00	\$126.00
Independent Claims	4	- 3 =	1	X \$80.00	\$80.00
Multiple dependent claim(s), if any				+ \$270.00	\$0.00
Filing Fee Calculation					\$916.00

7. Method of Payment of Fees

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$916.00. A duplicate copy of this transmittal is enclosed.

8. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. A duplicate copy of this sheet is enclosed.

9. Additional Papers Enclosed

- [x] Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449 and -0- citations
- [x] Letter and Request to use Computer-Readable Sequence Listing
- Other:

10. Maintenance of Copendency of Prior Application (for continuation and divisional applications)

[This item must be completed and the necessary papers filed in the prior application if the period set in the prior application has run]

- _____ A petition, fee and/or response has been filed to extend the term in the pending prior application until
- _____ A copy of the petition for extension of time in the **prior** application is attached.

11. **Correspondence Addr ss:**

X Address all future communications to:

GENENTECH, INC.
Attn: Wendy M. Lee
1 DNA Way
South San Francisco, CA 94080-4990
(650) 225-1994

Respectfully submitted,
GENENTECH, INC.

By: 
Wendy M. Lee
Reg. No. 40,378

Date: November 2, 2000

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